



To the Honorable Council
City of Norfolk, Virginia

September 11, 2018

From: Leonard M. Newcomb III, CFM, Acting Planning Director *LMN III*

Subject: **Ray Varga**, for a Conditional Use Permit allow an expansion of a nonconforming use at 2116 Wheeling Avenue.

Reviewed: *[Signature]*
Wynter C. Benda, Chief Deputy City Manager

Ward/Superward: 4/7

Approved: *[Signature]*
Douglas L. Smith, City Manager

Item Number: **C-14**

- I. **Staff Recommendation:** Approval.
- II. **Planning Commission Recommendation:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Conditional Use Permit
- IV. **Applicant:** Ray Varga
- V. **Description:**
 - The site is located on the north side of Wheeling Avenue, west of Decker Street, within the Newton Park neighborhood.
 - The site is zoned I-L (Industrial-Light), which does not permit residential uses.
 - The *Norfolk Zoning Ordinance* allows a nonconforming use to be enlarged or extended by up to 50% of the gross square footage of the building in which it is located, upon approval of a Conditional Use Permit.
 - The applicant is proposing a 571 square-foot addition to the rear of the single-family home, where there is an existing foundation from a past addition.
 - In 1950 and 1968, the zoning on the property and the Newton Park neighborhood was R-2 (One-Family Residence).
 - In 1992, with the adoption of a new zoning ordinance, the property and neighborhood were rezoned to I-1 (Limited Industrial) to reflect the adjoining land uses.
 - The 1992 *General Plan of Norfolk* also reflected the industrial land uses of this area and the adjoining properties.
 - The expectation was that this area would become industrial; however, the properties have always remained residential.

- The current use (single-family) is a legal, nonconforming use that has existed since 1951, when the house was built.

Staff contact: Chris Whitney (757) 823-1253, chris.whitney@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated August 23, 2018 with attachments
- Ordinance

City Planning Commission Public Hearing: August 23, 2018

For Executive Secretary: Leonard M. Newcomb, III, CFM *RN*

Staff Planner: Chris Whitney, CZA, CFM *CW*

Staff Report	Item No. 6	
Address	2116 Wheeling Avenue	
Applicant	Ray Varga	
Request	Conditional Use Permit	Expand a nonconforming use (Single-Family)
Property Owner	Ray K. and Jill A. Varga	
Site Characteristics	Site/Building Area	6,300 sq. ft./1,470 sq. ft. (existing); 571 sq. ft. (proposed addition)
	Future Land Use Map	Industrial
	Zoning	I-L (Industrial-Light), CRO (Coastal Resilience Overlay)
	Neighborhood	Newton Park
	Character District	Traditional
Surrounding Area	North	I-L, CRO: Vacant land, Elizabeth River
	East	I-L, CRO: Single-family home
	South	I-L, CRO: Vacant land, single-family homes
	West	I-L, CRO: Vacant land, Elizabeth River



A. Summary of Request

- The site is located on the north side of Wheeling Avenue, west of Decker Street, within the Newton Park neighborhood.
- The applicant is proposing a 571 square-foot addition to the rear of the single-family home, where there is an existing foundation from a past addition.

B. Plan Consistency

- *plaNorfolk2030* designates this site as Industrial.
- Given that the request is to expand an existing residential use in the industrial district, the request is appropriate despite the inconsistency with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- The site is zoned I-L, which does not permit residential uses.
- In November of 2017, the house suffered substantial fire damage and a subsequent building permit was issued to repair this damage.
 - Following these repairs, the owner proposes to construct an addition to the house, upon an existing foundation that supported an earlier addition.
- The *Norfolk Zoning Ordinance* allows a nonconforming use to be enlarged or extended by up to 50% of the gross square footage of the building in which it is located, upon approval of a Conditional Use Permit if the proposed expansion or enlargement complies with the following standards:
 - The nonconforming use and building (if applicable) was lawfully established before a provision of this Ordinance (or amendment) rendered it a nonconformity;
 - The proposed expansion of the nonconforming use and building (if applicable) complies with Article 5. Development Standards;
 - The applicant demonstrates that the proposed expansion or enlargement of the nonconforming use is compatible with surrounding development, and does not:
 - Increase any existing nonconformity related to the structure;
 - Reduce the lot coverage ratio, off-street parking requirements, or landscaping requirements below those levels required by the applicable zoning district;
 - Increase the size and number of signs beyond the levels permitted in the applicable zoning district;
 - Have an adverse impact on traffic congestion, including truck, passenger car, and pedestrian traffic;
 - Have an adverse impact on appearance and scale;
 - Have an adverse impact on noise, smoke, dust, gases, heat, odor, glare or vibration; and
 - Have an adverse impact on storage and waste disposal.

- In 1950 and 1968, the zoning on the property and the Newton Park neighborhood was R-2 (One-Family Residence).
- In 1992, with the adoption of a new zoning ordinance, the property and neighborhood were rezoned to I-1 (Limited Industrial) to reflect the adjoining land uses.
- The 1992 *General Plan of Norfolk* also reflected the industrial land uses of this area and the adjoining properties.
 - The expectation was that this area would become industrial; however, the properties have always remained residential.
- The current use (single-family) is a legal, nonconforming use that has existed since 1951, when the house was built.

ii. Parking

The proposed addition to the house does not increase the parking requirement for this single-family residential use.

iii. Flood Zone

- The property is located in the X (Shaded) and AE (High Risk) Flood Zones.
- The addition will not encroach into the AE flood zone.

D. Transportation Impacts

- No additional trips are forecast by the expansion of the existing single-family home on this site.
- Wheeling Avenue adjacent to the site is not an identified priority corridor in *The City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

N/A

F. Public Schools Impacts

N/A

G. Environmental Impacts

- The site is surrounded by single-family residential uses.
- The proposed addition will be reviewed by Environmental Services staff to ensure compliance with any applicable Chesapeake Bay Preservation Area requirements.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

The applicant proposes to allow a minor addition to the rear of the house that would not be out of character with the surrounding area and single-family homes.

J. Payment of Taxes

The owner of the property is current on all taxes.

K. Civic League

- Notice was sent to the Campostella Heights Civic League on July 11.
- The applicant hosted a Neighborhood Meeting on July 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on July 10.
- Letters were mailed to all property owners within 300 feet of the property on August 9.
- Legal notification was placed in *The Virginian-Pilot* on August 9 and 16.

M. Recommendation

Staff recommends that the Conditional Use Permit request be **approved** subject to the conditions shown below:

- (a) The proposed addition shall be developed in conformity with the conceptual site plan and floor plan, attached hereto and marked as "Exhibit A," subject to any revisions necessary to meet the Virginia Uniform Statewide Building Code and any revisions which may be required by the City to be made during the building permit plan review process.
- (b) The proposed addition shall comply with all requirements of the FPCH-O (Floodplain/Coastal Hazard Overlay) district if located within the Special Flood Hazard Area.
- (c) The proposed expansion of the nonconforming use shall not:
 - i. Increase any existing nonconformity related to the structure;
 - ii. Reduce the lot coverage ratio, off-street parking requirements, or landscaping requirements below those levels required by the applicable zoning district;
 - iii. Increase the size and number of signs beyond the levels permitted in the applicable zoning district;
 - iv. Have an adverse impact on traffic congestion, including truck, passenger car, and pedestrian traffic;
 - v. Have an adverse impact on appearance and scale;
 - vi. Have an adverse impact on noise, smoke, dust, gases, heat, odor, glare or vibration; and
 - vii. Have an adverse impact on storage and waste disposal.

Attachments:

Conditional Use Permit Review Standards

Overview map

Location map

Zoning map

Application

Notification list of all property owners within 300 feet of the site

Notice to the Campostella Heights Civic League

Summary of Applicant-Hosted Neighborhood Meeting

Proponents and Opponents

Proponents

Ray Varga – Applicant
2116 Wheeling Avenue
Norfolk, VA 23523

Opponents

None

Form and Correctness Approved: *RAP*

By *Robert Neill*
Office of the City Attorney

Contents Approved: *CW*

By *Leonard M. Edwards*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 47,360

C-14

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO PERMIT THE EXPANSION OF A NONCONFORMING USE ON PROPERTY LOCATED AT 2116 WHEELING AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a conditional use permit is hereby granted to authorize the expansion of a nonconforming use on property located at 2116 Wheeling Avenue.

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 60 feet, more or less, along the northern line of Wheeling Avenue beginning 270 feet, more or less, from the western line of Decker Street and extending westwardly; premises numbered 2116 Wheeling Ave.

Section 3:- That the conditional use permit or permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The proposed addition shall be developed in accordance with the conceptual site plan and floor plan, attached hereto and marked as "Exhibit A," subject to any revisions necessary to meet the Virginia Uniform Statewide Building Code and any revisions which may be required by the City to be made during the building permit plan review process.
- (b) The proposed addition shall comply with all applicable requirements of the FPCH-O (Floodplain/Coastal Hazard Overlay) district.

(c) The proposed expansion of the nonconforming use shall not:

- (1) Increase any existing nonconformity related to the structure;
- (2) Reduce the lot coverage ratio, off-street parking requirements, or landscaping requirements below those levels required by the applicable zoning district;
- (3) Increase the size and number of signs beyond the levels permitted in the applicable zoning district;
- (4) Have an adverse impact on traffic congestion, including truck, passenger car, and pedestrian traffic;
- (5) Have an adverse impact on appearance and scale;
- (6) Have an adverse impact on noise, smoke, dust, gases, heat, odor, glare or vibration; and
- (7) Have an adverse impact on storage and waste disposal.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)

Adopted by Council September 11, 2018
Effective September 11, 2018

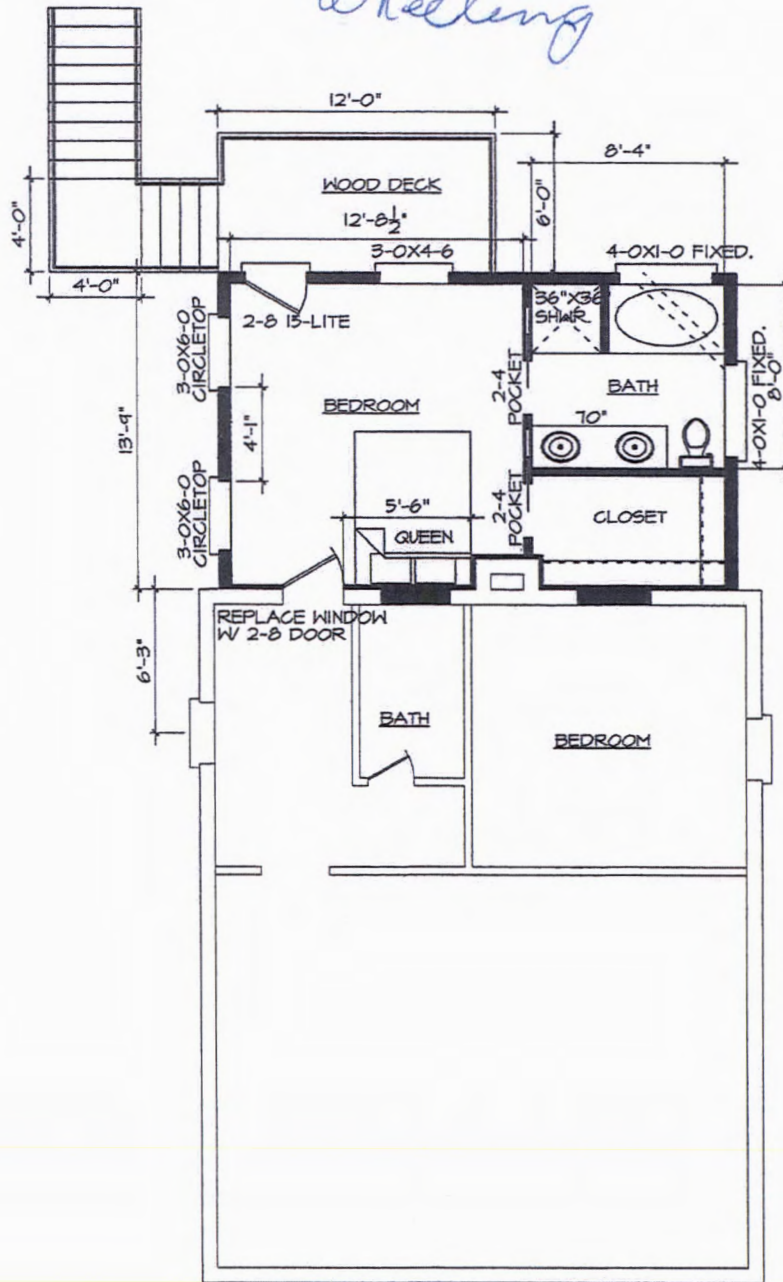
TRUE COPY
TESTE:

RICHARD ALLAN BULL, CITY CLERK

BY:

CHIEF DEPUTY CITY CLERK

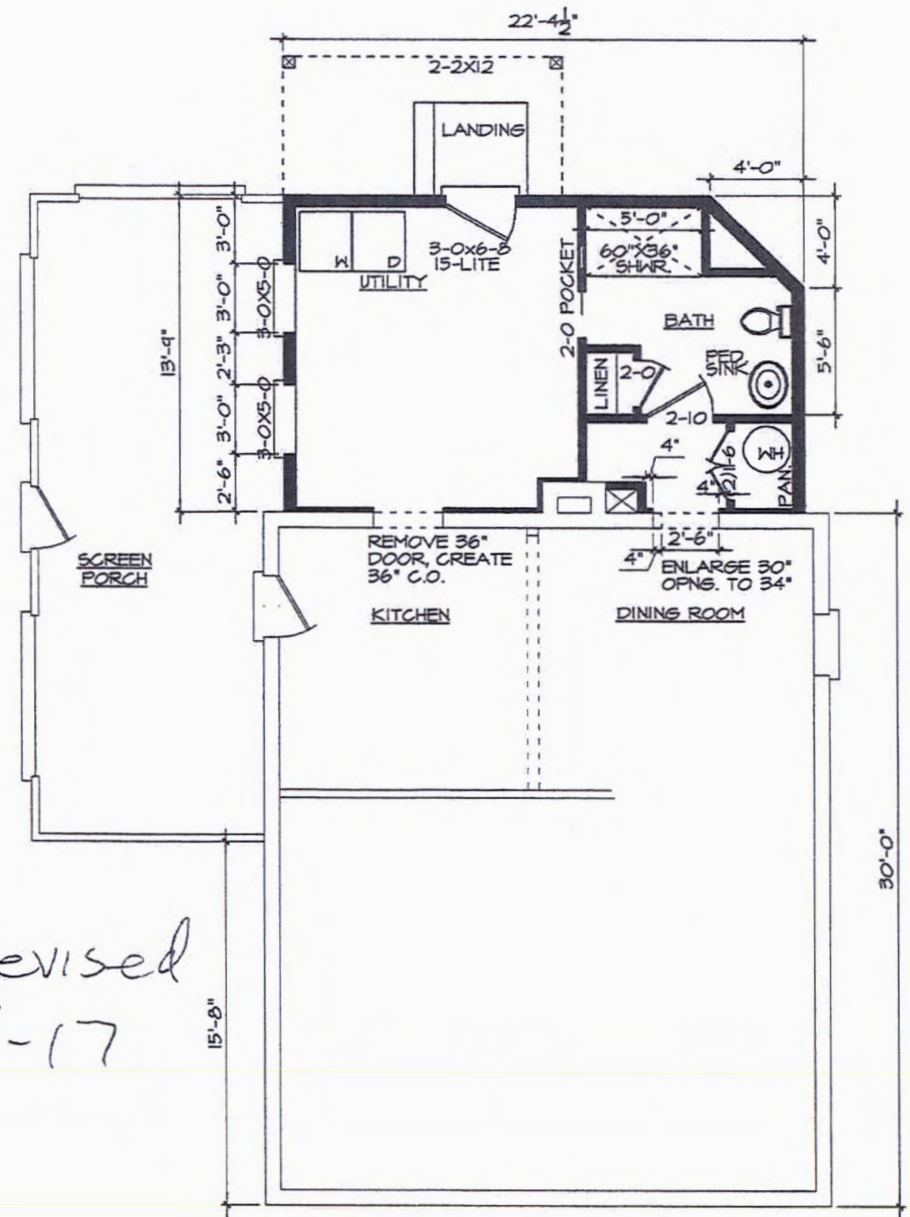
Wheeling



PROPOSED SECOND FLOOR PLAN

1/8" = 1'-0"
 ——— EXISTING
 ——— NEW CONSTRUCTION

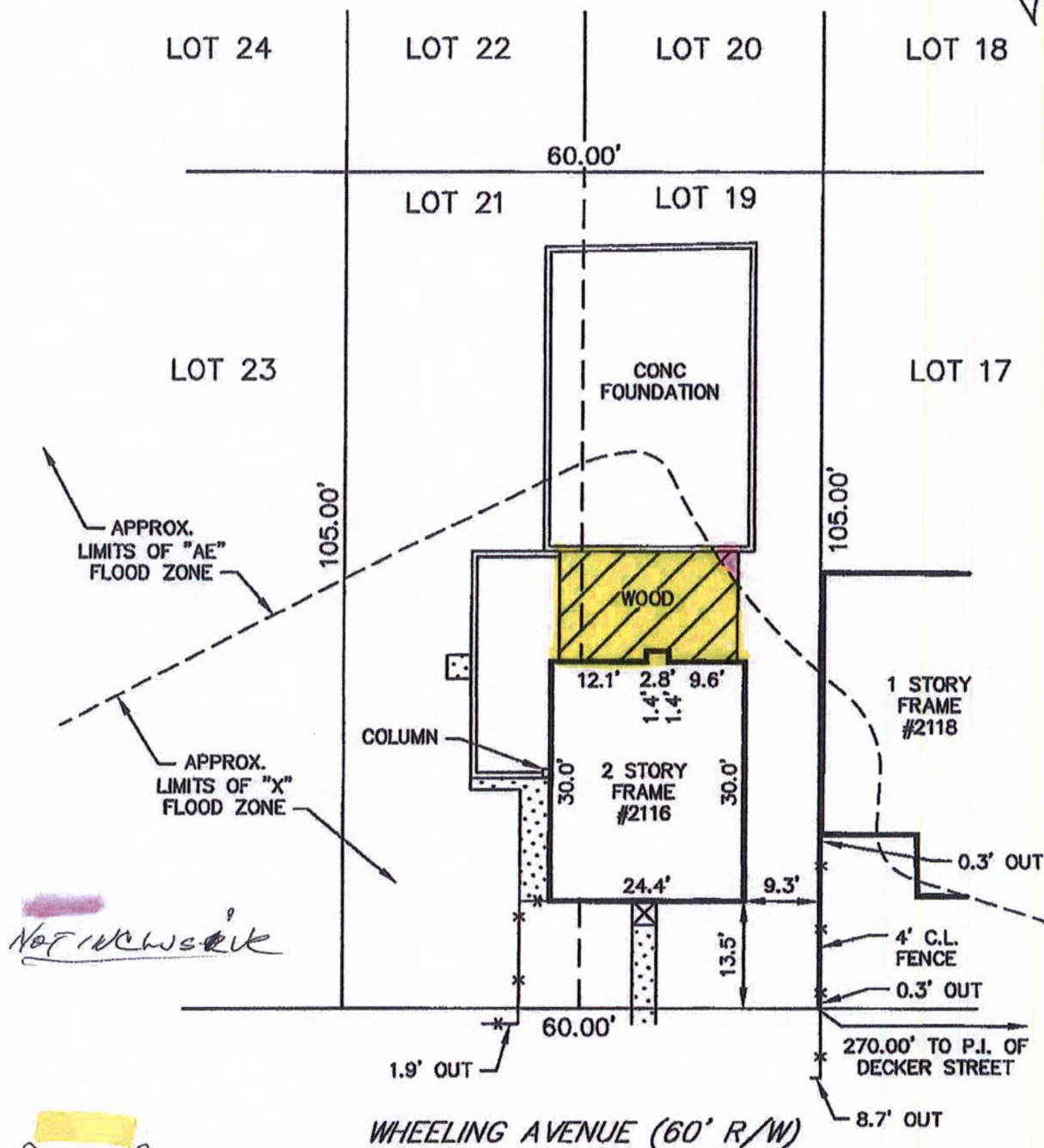
Revised
 7-17



PROPOSED FIRST FLOOR PLAN

1/8" = 1'-0"
 ——— EXISTING
 ——— NEW CONSTRUCTION

ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0059H REVISED FEB. 17, 2017.
 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.

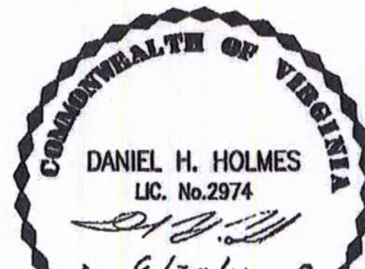


*Proposed replacement
 of existing house
 571 SF.
 2 story 2 bath
 MBR laundry + storage*

PHYSICAL SURVEY
 OF
 LOTS 19 & 21, BLOCK 46
 NEWTON PARK OF THE
 WHEELING DEVELOPMENT CO.
 NORFOLK, VIRGINIA
 FOR
 RAY VARGA

DATE: JUNE 20, 2018
 SCALE: 1" = 20'
 NOTE: FOR PLAT SEE
 M.B. 17 PG. 84 & 85

WARD M. HOLMES



2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;
- 3) Complies with all applicable use-specific standards in Article 4. Performance Standards;
- 4) Complies with all applicable development and design standards in Article 5. Development Standards;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;
- 9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- 13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- 14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- 16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

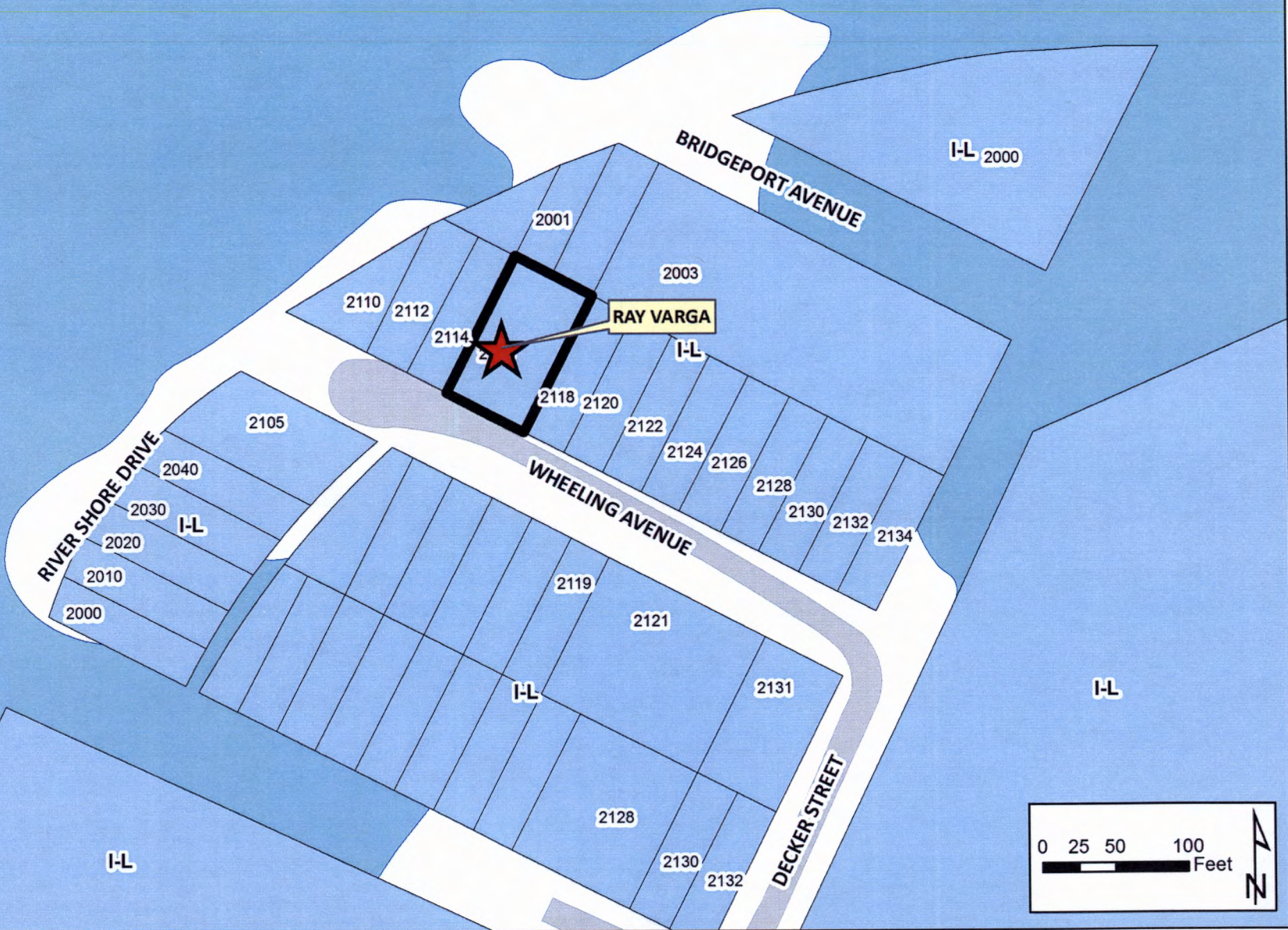
Overview Map



Location Map



Zoning Map





**APPLICATION
CONDITIONAL USE PERMIT
(Please print)**

Date 07-03-18

DESCRIPTION OF PROPERTY

Address: 2116 Wheeling

Existing Use of Property: single family residential

Proposed Use: single family residential

Current Building Square Footage: _____ Proposed Building Square Footage: _____

Trade Name of Business (if applicable): _____

APPLICANT*

1. Name of applicant: (Last) VARGA (First) RAY (MI) K.

Mailing address of applicant (Street/P.O. Box): 2116 Wheeling Ave

(City): Norfolk (State): Va (Zip Code): 23523

Daytime telephone number of applicant: () 754-1789

E-mail address: oldandnewhomeremodeling@gmail.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City): _____ (State): _____ (Zip Code): _____

Daytime telephone number of applicant: () _____ Fax () _____

E-mail address: _____

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2018)

PROPERTY OWNER*

3. Name of property owner: (Last) VARGA (First) RAY (MI) K.

Mailing address of property owner (Street/P.O. box): 2116 Wheeling Ave

(City): Norfolk (State): Va (Zip Code): 23523

Daytime telephone number of owner: (757) 754-1789

E-mail address: OldandNewHomeremodeling@gmail.com

*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIVIC LEAGUE INFORMATION

Civic League contact: Camptella Heights - Lawrence Brown

Date meeting attended/held: -

Ward/Super Ward information: Ward #4 Super Ward #7

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

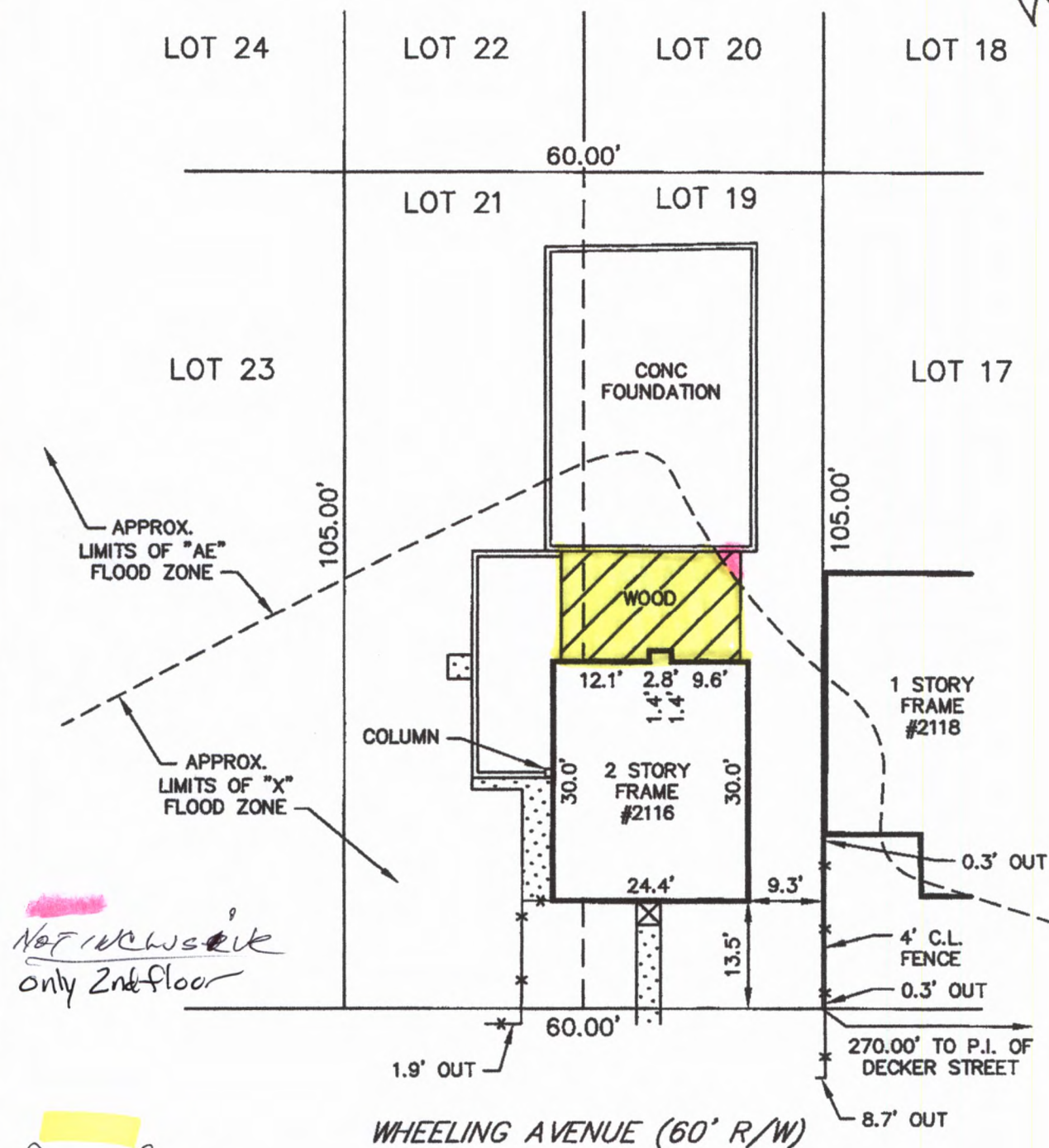
Print name: Ray Varga Sign: Ray Varga 07-03-18
(Property Owner) (Date)

Print name: Ray Varga Sign: Ray Varga 07-03-18
(Applicant) (Date)

(If Applicable)

Print name: _____ Sign: _____
(Authorized Agent Signature) (Date)

ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0059H REVISED FEB. 17, 2017.
 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



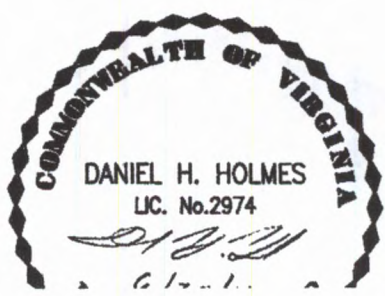
*Not included
only 2nd floor*

*Proposed replacement
of existing house
571 SF.
2 story 2 bath
MBR laundry + storage*

PHYSICAL SURVEY
 OF
 LOTS 19 & 21, BLOCK 46
 NEWTON PARK OF THE
 WHEELING DEVELOPMENT CO.
 NORFOLK, VIRGINIA
 FOR
 RAY VARGA

DATE: JUNE 20, 2018
 SCALE: 1" = 20'
 NOTE: FOR PLAT SEE
 M.B. 17 PG. 84 & 85

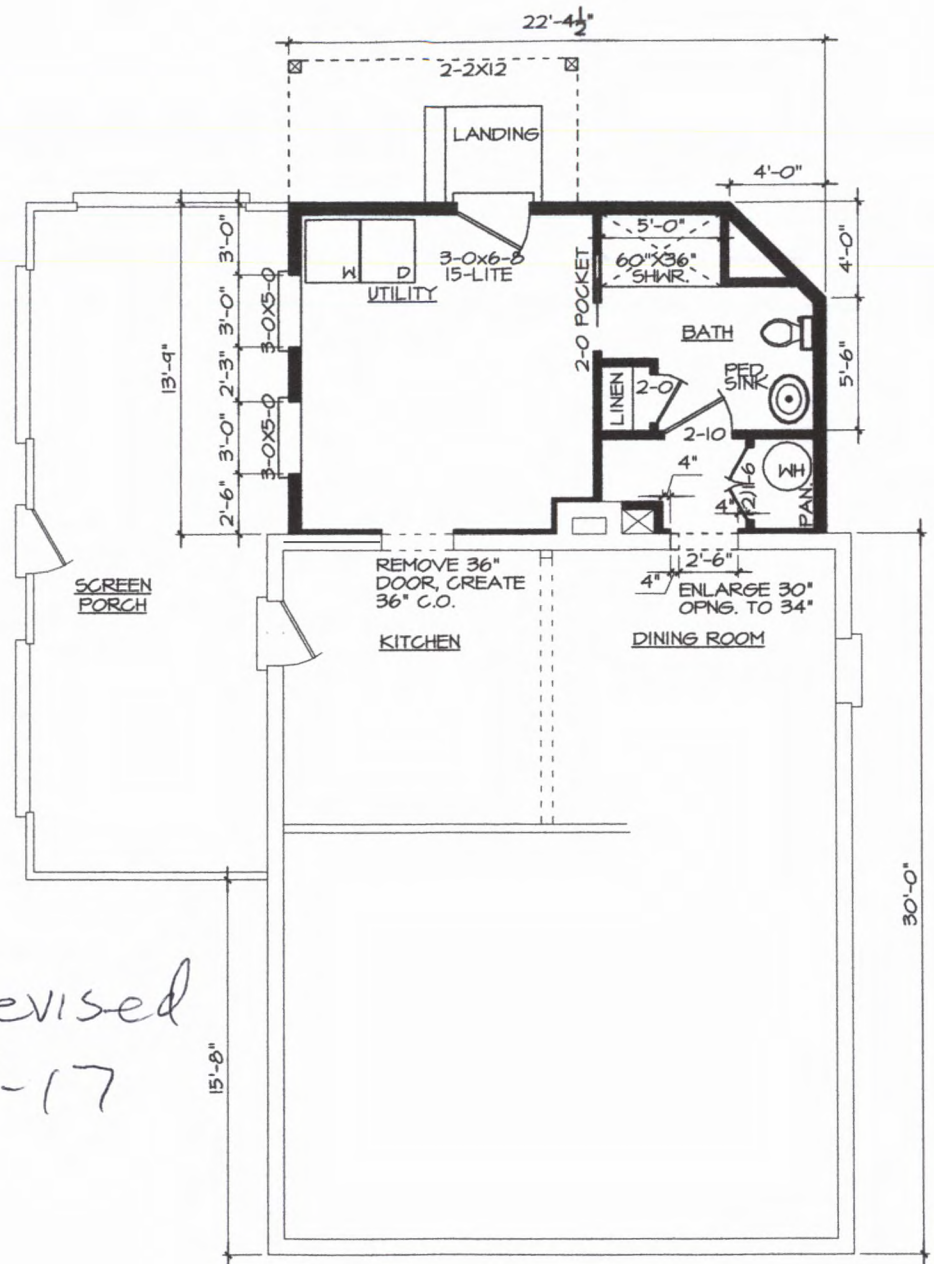
WARD M. HOLMES



A hand-drawn floor plan for a 3-bedroom, 2-bath house. The plan includes a wood deck at the rear, a staircase on the left, and a kitchen area with a breakfast room. The layout is as follows:

- WOOD DECK:** Located at the rear, measuring 12'-0" wide and 12'-8 1/2" deep.
- STAIRS:** A set of stairs is located on the left side of the deck, with a width of 4'-0" and a depth of 4'-0".
- KITCHEN:** Features a 3'-0" x 4'-6" area, a 3'-0" x 6'-0" circle top, and a 2'-8" x 15'-LITE window.
- BREAKFAST ROOM:** Adjacent to the kitchen, featuring a 3'-0" x 6'-0" circle top and a 4'-1" wide window.
- BEDROOM (Top):** Contains a queen-sized bed (5'-6" wide) and a closet.
- BATH (Top):** Includes a 36" x 36" shower, a toilet, and a 7'-0" wide area.
- BEDROOM (Bottom):** A large bedroom area at the bottom of the plan.
- BATH (Bottom):** A bathroom located between the two bedrooms at the bottom.
- CLIMATE CONTROL:** A 2'-4" pocket unit is shown near the top bedroom.
- FIXED ELEMENTS:** A 4'-0" x 1'-0" fixed unit is shown near the top right, and a 4'-0" x 1'-0" fixed unit is shown near the bottom right.
- REPLACE WINDOW W/ 2'-8" DOOR:** A note indicating a replacement window or door near the bottom bedroom.

1/8"=1'-0"
 ===== EXISTING
 ■■■■■ NEW CONSTRUCTION



1/8" = 1'-0"

EXISTING

NEW CONSTRUCTION

Wheeling



REAR ELEVATION
1/8"=1'-0"



SCREEN PORCH OMITTED FOR CLARITY

LEFT ELEVATION
1/8"=1'-0"

Wheeling



RIGHT ELEVATION

1/8" = 1'-0"

Ray Varga- Notification sent to all Property Owners within 300ft

<u>Property Owners</u>	<u>Property Address</u>	<u>Mailing Address</u>		
Edwards Rental Services Inc	2121 Wheeling Ave	Norfolk	VA	23523-2444
Grant, Joseph	2128 Arlington Ave	Norfolk	VA	23523-2402
Jennestreet, William J	2105 Wheeling Ave	Norfolk	VA	23523-2444
North, Nancy P	2118 Wheeling Ave	Norfolk	VA	23523-2445
Parsons, A Charles	2132 Arlington Ave	Norfolk	VA	23523-2402
Varga, Ray K & Jill A	2116 Wheeling Ave	Norfolk	VA	23523-2445
Wheelington, Chadd li & Diana	2131 Wheeling Ave	Norfolk	VA	23523-2444

Whitney, Chris

From: Williams, Sherri
Sent: Wednesday, July 11, 2018 3:02 PM
To: 'lbengine7rescue7@aol.com'
Cc: Goldin, Jamie; Riddick, Paul; Graves, Angelia; Whitney, Chris
Subject: New Planning Commission- 2116 Wheeling Ave
Attachments: Application.pdf

Mr./Mrs.

Attached please find the following application tentatively scheduled to be heard at the August 23, 2018 Planning Commission public hearing:

RAY VARGA, for a Conditional Use Permit to allow an expansion of a nonconforming use at 2116 Wheeling Ave.

The purpose of this request is to expand an existing, nonconforming single-family residence within an industrial zoning district.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank You

Sherri Williams
Planning Technician

Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771

Connect with us:
www.norfolk.gov



Wheeling

7/16/2018 Minutes: To whom it may concern:

A public meeting was held at 2118 Wheeling Ave. Norfolk Va. 23523 5:30 pm

Subject: Conditional use Permit for property address at 2116 Wheeling Ave Norfolk Va. 23523)

Meeting attendees included:

- 1) Nancy North of 2118 Wheeling Ave. Norfolk Va. 23523
- 2) Edward Jones 2121 Wheeling Ave. Norfolk Va. 23523
- 3) Charles A Parsons of 2132 Arlington Ave. Norfolk Va. 23523
- 4) Jill and Ray Varga of 2116 Wheeling Ave. Norfolk Va. 23523

The people noted above were present for the 5:30 meeting and discussed purpose of Conditional Permit . The following items were discussed

- 1) Neighborhood is currently designated as I-1 Zoning
- 2) Existing zoning law status and the pending changes to residential zoning, were discussed.
- 3) Neighbors all have provided signatures, to acknowledge that they were present, and with a vote of 5 people present, there were no objections to the house plans.
- 4) Review of the process and permit that is of question set for aug 23rd meeting , and why it is needed.
- 5) Nancy North questioned the status of the property zoning and why and how it was zoned light industrial. So, collectively all owners present stated that their homes were residential, no one could recall being notified of the zoning change or when it was implemented.

11200 La Porte, Lp
Po Box 1356
La Porte TX 77572

Aan Investments, Llc
1108 Kathleen Ln
Chesapeake VA 23322-2395

Bay Disposal Property Holdings, Llc
3 Waterway Square Pl Ste 110
The Woodlands TX 77380-3488


Braxton, Harold L - Lessee
2112 E Indian River Rd Rear E
Norfolk VA 23523-2423

Carder, Reuben B.
100 Barbados Pl
Stephens City VA 22655-0000

Commonwealth Transportation Comm
P O Box 1070
Suffolk VA 23439-1070

Cs Terminals Llc
237 Hanbury Rd E Ste 17-606
Chesapeake VA 23322

Cs Terminals, Llc
805 Ford Dr
Norfolk VA 23523-2414

 Edwards Rental Services Inc
2121 Wheeling Ave
Norfolk VA 23523-2444

Ford Drive, Llc
1384 Ingleside Rd
Norfolk VA 23502-1916

Ford Motor Company
1 American Rd Whq Rm 612
Dearborn MI 48126-2701

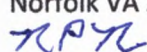
Grant, Gloria I
2128 Arlington Ave
Norfolk VA 23523-2402

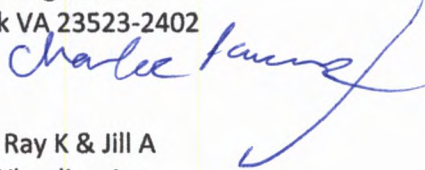
Grant, Joseph
2128 Arlington Ave
Norfolk VA 23523-2402

Herbert & Associates Ltd
2110 E Indian River Rd
Norfolk VA 23523-2423

Jennestreet, William J
2105 Wheeling Ave
Norfolk VA 23523-2444

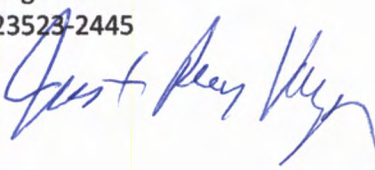
Norfolk Terminal, Lp
Po Box 1356
La Porte TX 77572-1356

North, Nancy P
2118 Wheeling Ave
Norfolk VA 23523-2445


Parsons, A Charles
2132 Arlington Ave
Norfolk VA 23523-2402


Ptr Investments, Inc
4605 Pembroke Lake Cir Ste 101
Virginia Beach VA 23455-6411

Sawyer, William O Et Al
2301 Eustis Ave
Norfolk VA 23523-2420

Varga, Ray K & Jill A
2116 Wheeling Ave
Norfolk VA 23523-2445


Wheelington, Chadd li & Diana
2131 Wheeling Ave
Norfolk VA 23523-2444